

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARCUS A. HAINES,

Plaintiff,

v.

COUNTY OF SACRAMENTO, *et al.*,

Defendants.

Case No. 2:20-cv-01011-TLN-JDP (PC)

FINDINGS AND RECOMMENDATIONS  
THAT THIS ACTION BE DISMISSED FOR  
FAILURE TO PROSECUTE, FAILURE TO  
COMPLY WITH COURT ORDERS, AND  
FAILURE TO STATE A CLAIM

OBJECTIONS DUE WITHIN FOURTEEN  
DAYS

On April 2, 2021, I screened plaintiff's first amended complaint pursuant to 28 U.S.C. § 1915A. ECF No. 14. I notified plaintiff that the complaint failed to state a claim and granted him sixty days to file an amended complaint. *Id.* Plaintiff failed to timely file an amended complaint. Accordingly, on August 16, 2021, I ordered him to show cause within twenty-one days why this action should not be dismissed for failure to prosecute and failure to state a claim. ECF No. 15. I notified him that if he wished to continue with this lawsuit, he must file an amended complaint. I also warned him that failure to comply with the August 16 order would result in a recommendation that this action be dismissed.<sup>1</sup> *Id.*

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<sup>1</sup> Although it appears from the file that plaintiff's copy of the August 16, 2021 order was returned, plaintiff was properly served. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

1 The deadline has passed, and plaintiff has not filed a second amended complaint nor  
2 otherwise responded to the August 16, 2021 order. Accordingly, it is hereby RECOMMENDED  
3 that:

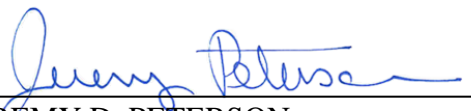
4 1. This action be dismissed for failure to prosecute, failure to comply with court orders,  
5 and failure to state a claim for the reasons set forth in the April 2, 2021 order. *See* ECF No. 14.

6 2. The Clerk of Court be directed to close the case.

7 These findings and recommendations are submitted to the United States District Judge  
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
9 after being served with these findings and recommendations, any party may file written  
10 objections with the court and serve a copy on all parties. Such a document should be captioned  
11 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the  
12 objections shall be served and filed within fourteen days after service of the objections. The  
13 parties are advised that failure to file objections within the specified time may waive the right to  
14 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*  
15 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

16  
17 IT IS SO ORDERED.

18 Dated: September 16, 2021

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20 JEREMY D. PETERSON  
21 UNITED STATES MAGISTRATE JUDGE  
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